

**23-14-1. Division of Wildlife Resources -- Creation -- General powers and duties -- Limits on authority of political subdivisions.**

(1) (a) There is created the Division of Wildlife Resources within the Department of Natural Resources under the administration and general supervision of the executive director of the Department of Natural Resources.

(b) The Division of Wildlife Resources is the wildlife authority for Utah and is vested with the functions, powers, duties, rights, and responsibilities provided in this title and other law.

(2) (a) Subject to the broad policymaking authority of the Wildlife Board, the Division of Wildlife Resources shall protect, propagate, manage, conserve, and distribute protected wildlife throughout the state.

(b) The Division of Wildlife Resources is appointed as the trustee and custodian of protected wildlife and may initiate civil proceedings, in addition to criminal proceedings provided for in this title, to:

- (i) recover damages;
- (ii) compel performance;
- (iii) compel substitution;
- (iv) restrain or enjoin;
- (v) initiate any other appropriate action; and
- (vi) seek any appropriate remedies in its capacity as trustee and custodian.

(3) (a) If a political subdivision of the state adopts ordinances or regulations concerning hunting, fishing, or trapping that conflict with this title or rules promulgated pursuant to this title, state law shall prevail.

(b) Communities may close areas to hunting for safety reasons after confirmation by the Wildlife Board.

Amended by Chapter 211, 1995 General Session

**23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum -- Meetings -- Per diem and expenses.**

(1) There is created a Wildlife Board which shall consist of seven members appointed by the governor with the consent of the Senate.

(2) (a) In addition to the requirements of Section 79-2-203, the members of the board shall have expertise or experience in at least one of the following areas:

- (i) wildlife management or biology;
- (ii) habitat management, including range or aquatic;
- (iii) business, including knowledge of private land issues; and
- (iv) economics, including knowledge of recreational wildlife uses.

(b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at least one member of the Wildlife Board.

(3) (a) The governor shall select each board member from a list of nominees submitted by the nominating committee pursuant to Section 23-14-2.5.

(b) No more than two members shall be from a single wildlife region described in Subsection 23-14-2.6(1).

(c) The governor may request an additional list of at least two nominees from the nominating committee if the initial list of nominees for a given position is

unacceptable.

(d) (i) If the governor fails to appoint a board member within 60 days after receipt of the initial or additional list, the nominating committee shall make an interim appointment by majority vote.

(ii) The interim board member shall serve until the matter is resolved by the committee and the governor or until the board member is replaced pursuant to this chapter.

(4) (a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a six-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:

(i) the terms of board members are staggered so that approximately one-third of the board is appointed every two years; and

(ii) members serving from the same region have staggered terms.

(c) If a vacancy occurs, the nominating committee shall submit two names, as provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the unexpired term.

(d) Board members may serve only one term unless:

(i) the member is among the first board members appointed to serve four years or less; or

(ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

(5) (a) The board shall elect a chair and a vice chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) The director of the Division of Wildlife Resources shall act as secretary to the board but is not a voting member of the board.

(6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year to expeditiously conduct its business.

(b) Meetings may be called by the chair upon five days notice or upon shorter notice in emergency situations.

(c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources or elsewhere as determined by the Wildlife Board.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) (a) The members of the Wildlife Board shall complete an orientation course to assist them in the performance of the duties of their office.

(b) The Department of Natural Resources shall provide the course required under Subsection (8)(a).

Amended by Chapter 297, 2011 General Session

### **23-14-2.1. Procedures -- Adjudicative proceedings.**

The Division of Wildlife Resources shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

**23-14-2.5. Wildlife Board Nominating Committee -- Creation -- Membership -- Terms -- Quorum.**

(1) There is created a Wildlife Board Nominating Committee which shall consist of 11 members.

(2) The governor shall appoint members to the nominating committee as follows:

(a) three members shall be appointed from a list of at least two nominees per position submitted by the agriculture industry;

(b) three members shall be appointed from a list of at least two nominees per position submitted by sportsmen groups;

(c) two members shall be appointed from a list of at least two nominees per position submitted by nonconsumptive wildlife interests;

(d) one member shall be appointed from a list of at least two nominees submitted by federal land management agencies;

(e) one local elected official shall be appointed from a list of at least two nominees submitted by the Utah Association of Counties; and

(f) one range management specialist shall be appointed from a list of at least two nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah Chapter, Wildlife Society.

(3) Each wildlife region described in Subsection 23-14-2.6(1) shall be represented by at least one member and no wildlife region may be represented by more than three members.

(4) The nominating committee shall nominate at least two, but not more than four, candidates for each position or vacancy which occurs on the board.

(5) (a) Except as required by Subsection (5)(b), as terms of current board members expire, the governor shall appoint each new or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:

(i) the terms of board members are staggered so that approximately half of the board is appointed every two years; and

(ii) members from the same wildlife region serve staggered terms.

(c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the same manner that the position was originally filled to serve the remainder of the unexpired term.

(6) The nominating committee shall select a chair and vice chair from its membership.

(7) Six members shall constitute a quorum.

Amended by Chapter 36, 2003 General Session

**23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per diem and expenses.**

(1) There are created five regional advisory councils which shall consist of 12 to 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.

(2) The members shall include individuals who represent the following groups and interests:

- (a) agriculture;
- (b) sportsmen;
- (c) nonconsumptive wildlife;
- (d) locally elected public officials;
- (e) federal land agencies; and
- (f) the public at large.

(3) The executive director of the Department of Natural Resources, in consultation with the director of the Division of Wildlife Resources, shall select the members from a list of nominees submitted by the respective interest group or agency.

(4) The councils shall:

- (a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;
- (b) gather information from staff, the public, and government agencies; and
- (c) make recommendations to the Wildlife Board in an advisory capacity.

(5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(7) The councils shall determine:

- (a) the time and place of meetings; and
- (b) any other procedural matter not specified in this chapter.

(8) Members of the councils shall complete an orientation course as provided in Subsection 23-14-2(8).

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

Amended by Chapter 324, 2010 General Session

**23-14-3. Powers of division to determine facts -- Policy-making powers of Wildlife Board.**

(1) The Division of Wildlife Resources may determine the facts relevant to the wildlife resources of this state.

(2) (a) Upon a determination of these facts, the Wildlife Board shall establish the policies best designed to accomplish the purposes and fulfill the intent of all laws pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction, and management of wildlife.

(b) In establishing policy, the Wildlife Board shall:

(i) recognize that wildlife and its habitat are an essential part of a healthy, productive environment;

(ii) recognize the impact of wildlife on man, his economic activities, private property rights, and local economies;

(iii) seek to balance the habitat requirements of wildlife with the social and economic activities of man;

(iv) recognize the social and economic values of wildlife, including fishing, hunting, and other uses; and

(v) seek to maintain wildlife on a sustainable basis.

(c) (i) The Wildlife Board shall consider the recommendations of the regional advisory councils established in Section 23-14-2.6.

(ii) If a regional advisory council recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the recommendation, the Wildlife Board shall provide a written explanation to the regional advisory council.

(3) No authority conferred upon the Wildlife Board by this title shall supersede the administrative authority of the executive director of the Department of Natural Resources or the director of the Division of Wildlife Resources.

Amended by Chapter 211, 1995 General Session

#### **23-14-7. Functions and qualifications of director.**

(1) The director shall:

(a) be the executive and administrative head of the Division of Wildlife Resources; and

(b) have demonstrated ability in management and administration and experience in the protection, conservation, restoration, and management of wildlife resources.

(2) The director may not hold any other public office or be involved in a political party or organization.

Amended by Chapter 56, 1995 General Session

#### **23-14-8. Director -- Executive authority and control -- Power to declare emergency seasons.**

The director of the Division of Wildlife Resources, under administrative supervision of the executive director of the Department of Natural Resources, shall have:

(1) executive authority and control of the Division of Wildlife Resources so that policies of the Wildlife Board are carried out in accordance with the laws of this state;

- (2) authority over all personnel matters;
- (3) full control of all property acquired and held for the purposes specified in this title; and
- (4) authority to declare emergency closed or open seasons in the interest of the wildlife resources of the state.

Amended by Chapter 211, 1995 General Session

**23-14-10. Compensation of division employees -- Travel expenses of director and employees.**

Employees of the Division of Wildlife Resources shall receive such compensation as the director shall determine within limits established for state employees by the Division of Finance. In addition to salaries provided for within this title, the director and employees of the Division of Wildlife Resources are entitled to receive travel expenses as provided in the rules established by the Division of Finance.

Amended by Chapter 22, 1989 General Session

**23-14-11. Official seal of division.**

The Division of Wildlife Resources shall adopt an official seal and file an impression and a description of it with the Division of Archives.

Amended by Chapter 67, 1984 General Session

**23-14-12. Oaths administered by director.**

The director of wildlife resources shall have the power to administer oaths for all purposes required in the discharge of his duties.

Enacted by Chapter 46, 1971 General Session

**23-14-13. Wildlife Resources Account.**

(1) There is created a restricted account within the General Fund known as the "Wildlife Resources Account."

(2) The following money shall be deposited into the Wildlife Resources Account:

(a) revenue from the sale of licenses, permits, tags, and certificates of registration issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise provided by this title;

(b) revenue from the sale, lease, rental, or other granting of rights of real or personal property acquired with revenue specified in Subsection (2)(a);

(c) revenue from fines and forfeitures for violations of this title or any rule, proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule adopted by the Judicial Council;

(d) funds appropriated from the General Fund by the Legislature pursuant to Section 23-19-39;

(e) other money received by the division under any provision of this title, except as otherwise provided by this title;

- (f) contributions made in accordance with Section 59-10-1305; and
- (g) interest, dividends, or other income earned on account money.
- (3) Money in the Wildlife Resources Account shall be used for the administration of this title.

Amended by Chapter 278, 2010 General Session

**23-14-14. Grants or gifts accepted by division -- Special account.**

The Division of Wildlife Resources is authorized to accept grants or gifts of money, property, water rights or other endowments that will benefit the wildlife resources of the state. Money as received shall be placed in a special account to be used for specific use as indicated by the grantor.

Enacted by Chapter 46, 1971 General Session

**23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

(1) There is created within the General Fund a restricted account known as the Wildlife Resources Conservation Easement Account.

(2) The Wildlife Resources Conservation Easement Account consists of:

- (a) grants from private foundations;
  - (b) grants from local governments, the state, or the federal government;
  - (c) grants from the Quality Growth Commission created under Section 11-38-201;
  - (d) donations from landowners for monitoring and managing conservation easements;
  - (e) donations from any other person; and
  - (f) interest on account money.
- (3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use money from the account to monitor and manage conservation easements held by the division.
- (4) The division may not receive or expend donations from the account to acquire conservation easements.

Enacted by Chapter 189, 2007 General Session

**23-14-16. Unexpended fund balances converted to general fund account.**

The state auditor and director of the Division of Finance shall, at the close of the fiscal year, convert into the Wildlife Resources Account in the General Fund all unexpended balances of the wildlife resources fund not legally obligated by contract or appropriated by the Wildlife Board for capital outlay projects or other programs which may extend beyond the close of the fiscal year.

Amended by Chapter 30, 1992 General Session

**23-14-18. Establishment of seasons, locations, limits, and regulations by**

## **Wildlife Board.**

(1) To provide an adequate and flexible system of protection, propagation, introduction, increase, control, harvest, management, and conservation of protected wildlife in this state and to provide for the use and development of protected wildlife for public recreation and food supply while maintaining a sustainable population of protected wildlife, the Wildlife Board shall determine the circumstances, time, location, means, and the amounts, and numbers of protected wildlife which may be taken.

(2) The Wildlife Board shall, except as otherwise specified in this code:

(a) fix seasons and shorten, extend, or close seasons on any species of protected wildlife in any locality, or in the entire state, if the board finds that the action is necessary to effectuate proper wildlife management and control;

(b) close or open areas to fishing, trapping, or hunting;

(c) establish refuges and preserves;

(d) regulate and prescribe the means by which protected wildlife may be taken;

(e) regulate the transportation and storage of protected wildlife, or their parts, within the boundaries of the state and the shipment or transportation out of the state;

(f) establish or change bag limits and possession limits;

(g) prescribe safety measures and establish other regulations as may be considered necessary in the interest of wildlife conservation and the safety and welfare of hunters, trappers, fishermen, landowners, and the public;

(h) (i) prescribe when licenses, permits, tags, and certificates of registration shall be required and procedures for their issuance and use; and

(ii) establish forms and fees for licenses, permits, tags, and certificates of registration; and

(i) prescribe rules and regulations as it may consider necessary to control the use and harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided the rules and regulations do not preclude the landowner from personally controlling trespass upon the owner's properties nor from charging a fee to trespass for purposes of hunting or fishing.

(3) The Wildlife Board may allow a season on protected wildlife to commence on any day of the week except Sunday.

(4) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates of registration in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

## **23-14-19. Rules, proclamations, and orders of the Wildlife Board.**

The Wildlife Board shall exercise its powers by making rules and issuing proclamations and orders pursuant to this code.

Amended by Chapter 211, 1995 General Session

## **23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.**

(1) The division may transplant big game, turkeys, wolves, or sensitive species only in accordance with:

(a) a list of sites for the transplant of a particular species that is prepared and



adopted in accordance with Subsections (2) through (5);

(b) a species management plan, such as a deer or elk management plan adopted under Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

(i) the plan identifies sites for the transplant of the species or the lands or waters the species are expected to occupy; and

(ii) the public has had an opportunity to comment and make recommendations on the plan; or

(c) a legal agreement between the state and a tribal government that identifies potential transplants; and

(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

(2) The division shall:

(a) consult with the landowner in determining the suitability of a site for the transplant of a species;

(b) prepare a list of proposed sites for the transplant of species;

(c) provide notification of proposed sites for the transplant of species to:

(i) local government officials having jurisdiction over areas that may be affected by a transplant; and

(ii) the Resource Development Coordinating Committee created in Section 63J-4-501.

(3) After receiving comments from local government officials and the Resource Development Coordinating Committee, the division shall submit the list of proposed transplant sites, or a revised list, to regional advisory councils for regions that may be affected by the transplants of species.

(4) Each regional advisory council reviewing a list of proposed sites for the transplant of species may submit recommendations to the Wildlife Board.

(5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant of a species.

(6) Each list of proposed transplant sites approved by the Wildlife Board shall have a termination date after which a transplant may not occur.

Amended by Chapter 382, 2008 General Session